

1401 Main Street, Suite 900



Phone: (803) 737-0800

jpittman@regstaff.sc.gov

*Jenny R. Pittman
Counsel for ORS*

November 13, 2018

VIA ELECTRONIC FILING

David Butler, Esquire
Hearing Officer
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Consolidated Docket Nos.: 2017-207-E; 2017-305-E; and 2017-370-E

Dear Mr. Butler:

The South Carolina Office of Regulatory Staff ("ORS") does not object to South Carolina Electric & Gas Company ("SCE&G") presenting deposition excerpts or designations from the depositions of ORS witnesses (Gene Soult, Dukes Scott, and Allyn Powell), either directly from the verified deposition transcripts or from the video recording of the depositions, provided ORS and all other parties are provided an opportunity to offer counter-designations. In accordance with SCRCF Rule 32(a)(5), ORS respectfully requests that this Commission require SCE&G to provide all parties at least 24-hour notice to which excerpts and designations it intends to present.

However, should SCE&G seek to enter into the record summaries of any depositions, ORS would object unless the testifying witness is on the stand to present and adopt their summary. SCE&G should not be allowed to manipulate the sworn testimony into SCE&G's own words. ORS has reached out to SCE&G to discuss SCE&G's intentions regarding the depositions and any potential use of summaries but has yet to hear a response.

Additionally, ORS objects to the use of Kevin Marsh's deposition without Mr. Marsh taking the stand as SCE&G has not shown that he is unavailable to appear in person per SCRCF

Rule 32(a)(3). Mr. Marsh testified during his deposition that he resides in Irmo, South Carolina and is available during much of November 2018:

Q. What city do you currently reside in?

A. I currently reside in Irmo, South Carolina.

Q. Are you scheduled to be at home during the month of November?

A. I will be at home some dates in November. I do have travel plans for Thanksgiving. I have travel plans for the remainder of this week, and I'm sure there's some other days I'm unavailable. I believe my wife has some doctors' appointments or other schedules that would require me to be home.

Marsh Depo at 310:17-311:3

Mr. Marsh was the CEO of the company that is now seeking billions of recovery for the abandoned Project, and it is only appropriate that he be required to appear in person and provide an accounting of his actions if the company seeks to have his testimony included in the record, as required by the rules of evidence.

Sincerely,

Jenny R. Pittman

cc: Joseph Melchers, Esquire
All Parties of Record in Docket 2017-207-E (via E-mail)
All Parties of Record in Docket 2017-305-E (via E-mail)
All Parties of Record in Docket 2017-370E (via E-mail)